

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION THREE

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| ROBERT EDWARDS (DECEASED), |) | No. ED104019 |
| Respondent, |) | |
| |) | |
| |) | |
| vs. |) | Appeal from the Missouri Labor and |
| |) | Industrial Relations Commission |
| CLINT ZWEIFEL, TREASURER OF |) | |
| THE STATE OF MISSOURI AS |) | |
| CUSTODIAN OF THE SECOND INJURY |) | |
| FUND, |) | |
| Appellant. |) | Filed: September 13, 2016 |

The Second Injury Fund appeals from an order of the Missouri Labor and Industrial Relations Commission (the “Commission”) substituting Beverly Edwards as a party to her deceased husband’s workers’ compensation claim pursuant to section 287.580.¹

APPEAL DISMISSED.

DIVISION THREE HOLDS: This court has a duty to determine *sua sponte* whether we have jurisdiction to entertain an appeal. Section 287.495 authorizes an appeal from the final award of the Commission to the appellate court. An award is final only when the Commission reaches a terminal, complete resolution of the case before it. Here, we find the Commission did not reach the merits of Ms. Edwards’s claim because it did not come to a complete, final resolution of all issues before it, and the award did not dispose of the entire controversy between the parties. Thus, the Commission’s order is not a final award. We dismiss this appeal based on lack of subject matter jurisdiction.

Opinion by: Angela T. Quigless, P.J.

Robert G. Dowd, Jr., J., and Lisa S. Van Amburg, J., Concur.

Attorney for Appellant: Cara L.Harris

Attorney for Respondent: Keith V. Yarwood

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| THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED. |
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¹ All further statutory references are to Revised Statutes of Missouri (RSMo) 2000, unless otherwise indicated.